

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

IN RE:)
)
RONALD R. WITKOWSKI)
)
) No. 17-12438
) Chapter 13 (Kane)
Debtors) Honorable Janet S. Baer
) Hearing Date: 10/19/2018, 9:30 a.m.

NOTICE OF MOTION

To: See attached Service List.

YOU ARE HEREBY NOTIFIED that on October 19, 2018, at 9:30 a.m. or as soon thereafter as counsel may be heard, I shall appear before The Honorable Janet S. Baer in room 240 in the Kane County Courthouse, 100 S. Third Street, Geneva, Illinois, and then and there present for hearing the attached **MOTION FOR RELIEF FROM STAY** at which time and place you may appear as you see fit to do.

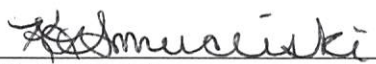

One of the attorneys for TOWNHOMES OF
THE FIELDS OWNERS' ASSOCIATION

PROOF OF SERVICE

The undersigned attorney certifies that he served a true and correct copy of the foregoing electronically to all parties eligible and by depositing same in the U.S. Mail, Wheaton, Illinois addressed to the parties appearing above on October 2, 2018.


Benjamin J. Rooney

SUBSCRIBED and SWORN to before me
2nd date of October, 2018.


Notary Public
#6308111
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KATHERINE L. SMUCINSKI
Official Seal
Notary Public - State of Illinois
My Commission Expires Sep 22, 2019

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219 South Dearborn St., Room 873
Chicago, Illinois 60604
(By electronic notice through ECF)

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IN RE:)	
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RONALD R. WITKOWSKI)	
)	No. 17-12438
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Debtors)	Honorable Janet S. Baer
)	Hearing Date: 10/19/2018, 9:30 a.m.

**MOTION FOR RELIEF FROM STAY PURSUANT TO SECTION 362 OF THE
BANKRUPTCY CODE**

NOW COMES a certain creditor, TOWNHOMES OF THE FIELDS OWNERS' ASSOCIATION, by and through its attorneys, KEAY & COSTELLO, P.C., and in support of its Motion for Relief from Stay, states as follows:

1. That the creditor is TOWNHOMES OF THE FIELDS OWNERS' ASSOCIATION (hereinafter referred to as "TOWNHOMES OF THE FILEDS"), an Illinois not-for-profit corporation and homeowners association.

2. That the Debtor, RONALD R. WITKOWSKI (hereinafter referred to as "Debtor") is the owner of residential real estate that is part of TOWNHOMES OF THE FIELDS OWNERS' ASSOCIATION. Specifically, Debtor is the owner of the property located at 1120 Tennyson Lane, Naperville, DuPage County, Illinois.

3. That pursuant to TOWNHOMES OF THE FILEDS's governing documents, which have been recorded with the Recorder of Deeds of DuPage County, Illinois, a lien attaches to the property of the Debtor to secure unpaid assessments and other obligations arising out of ownership of a unit under the jurisdiction of TOWNHOMES OF THE FILEDS.

4. That as owner of a property at TOWNHOMES OF THE FILEDS, the Debtor is obligated to pay assessments and other obligations arising out of ownership of their property to TOWNHOMES OF THE FILEDS.

5. That since the filing of Debtor's Chapter 13 petition on April 20, 2017 ("Petition Date"), the Debtor has failed to remain current on his post-petition obligation to pay assessments to TOWNHOMES OF THE FILEDS.

6. Accordingly, since the Petition Date and through the filing of this Motion, Debtor has failed to pay the amount of \$1,160.00 in post-petition assessments and other obligations arising out of ownership of her unit to TOWNHOMES OF THE FILEDS. Additionally, TOWNHOMES OF THE FILEDS has incurred \$600.00 in attorney's fees and \$181.00 in court costs as a result of Debtor's failure to remain current on his post-petition obligation to the Association. Collection of said attorney's fees and court costs is authorized by the Association's Declaration.

7. Therefore, the total amount due through the filing of this Motion for post-petition and court costs is \$1,941.00.

8. That pursuant to Section 362 of the Bankruptcy Code, TOWNHOMES OF THE FILEDS moves this court for entry of an order modifying the automatic stay arising as a result of Debtor's Chapter 13 filing.

9. That TOWNHOMES OF THE FILEDS is entitled to relief from the automatic stay so it may initiate collection proceedings against the Debtor for the assessments and other charges that became due and owing after Debtor's Chapter 13 filing.

10. That TOWNHOMES OF THE FILEDS is entitled to relief from the automatic stay for the following reasons:

- a. Debtor has made material defaults under the terms of the Declaration;

- b. There is currently a continuing increase in the total indebtedness chargeable against the real estate for payment of assessments and other charges due under the Declaration which result in TOWNHOMES OF THE FILEDS being deprived of adequate protection of its interest in the real estate; and
 - c. The subject real estate is not necessary for a successful reorganization of the Debtor.
11. That TOWNHOMES OF THE FILEDS requests waiver of the 14-day stay provision of Rule 4001(a)(3) of the Federal Rules of Bankruptcy Procedure.

WHEREFORE, the Creditor, herein, TOWNHOMES OF THE FILEDS, prays this court enter an order modifying the stay permitting TOWNHOMES OF THE FILEDS, to initiate collection proceedings of all post-petition association assessments due from the Debtor, ROBERT R. WITKOWSKI, as a result of the ownership of the premises described herein, and for any such other and further relief as this court deems just and equitable within the premises.

TOWNHOMES OF THE FILEDS
OWNERS' ASSOCIATION

By: 

One of its attorneys

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